

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 16, 2006, with recommendation that the Senate Committee Substitute do pass.

4853S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 301.055, 301.057, 301.058, 301.070, 301.130, 301.144, 301.560, 302.545, 302.700, 302.755, 302.775, 304.155, 304.170, 304.180, 304.281, 311.326, and 430.082, RSMo, and to enact in lieu thereof eighteen new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 301.055, 301.057, 301.058, 301.070, 301.130, 301.144, 2 301.560, 302.545, 302.700, 302.755, 302.775, 304.155, 304.170, 304.180, 304.281, 3 311.326, and 430.082, RSMo, are repealed and eighteen new sections enacted in 4 lieu thereof, to be known as sections 301.055, 301.057, 301.058, 301.070, 301.130, 5 301.144, 301.560, 301.2998, 302.545, 302.700, 302.755, 302.775, 304.155, 304.170, 6 304.180, 304.281, 311.326, and 430.082, to read as follows:

301.055. The annual registration fee for **passenger** motor vehicles [other
2 than commercial motor vehicles is:
3 Less than 12 horsepower \$18.00
4 12 horsepower and less than 24 horsepower 21.00
5 24 horsepower and less than 36 horsepower 24.00
6 36 horsepower and less than 48 horsepower 33.00
7 48 horsepower and less than 60 horsepower 39.00
8 60 horsepower and less than 72 horsepower 45.00
9 72 horsepower and more 51.00]
10 **and commercial motor vehicles with a gross weight rating of twelve**
11 **thousand pounds or less shall be 26.25**
12 Motorcycles 8.50
13 Motortricycles 10.00

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

301.057. The annual registration fee for property-carrying commercial
 2 motor vehicles, not including property-carrying local commercial motor vehicles,
 3 or land improvement contractors' commercial motor vehicles, based on gross
 4 weight is:

| | | |
|----|--|----------|
| 5 | [6,000 pounds and under | \$ 25.50 |
| 6 | 6,001 pounds to 9,000 pounds | 38.00 |
| 7 | 9,001 pounds to 12,000 pounds | 38.00] |
| 8 | 12,001 pounds to 18,000 pounds | 63.00 |
| 9 | 18,001 pounds to 24,000 pounds | 100.50 |
| 10 | 24,001 pounds to 26,000 pounds | 127.00 |
| 11 | 26,001 pounds to 30,000 pounds | 180.00 |
| 12 | 30,001 pounds to 36,000 pounds | 275.50 |
| 13 | 36,001 pounds to 42,000 pounds | 413.00 |
| 14 | 42,001 pounds to 48,000 pounds | 550.50 |
| 15 | 48,001 pounds to 54,000 pounds | 688.00 |
| 16 | 54,001 pounds to 60,010 pounds | 825.50 |
| 17 | 60,011 pounds to 66,000 pounds | 1,100.50 |
| 18 | 66,001 pounds to 73,280 pounds | 1,375.50 |
| 19 | 73,281 pounds to 78,000 pounds | 1,650.50 |
| 20 | 78,001 pounds to 80,000 pounds | 1,719.50 |

301.058. 1. The annual registration fee for property-carrying local
 2 commercial motor vehicles, other than a land improvement contractors'
 3 commercial motor vehicles, based on gross weight is:

| | | |
|----|--|----------|
| 4 | [6,000 pounds and under | \$ 15.50 |
| 5 | 6,001 pounds to 12,000 pounds | 18.00] |
| 6 | 12,001 pounds to 18,000 pounds | 20.50 |
| 7 | 18,001 pounds to 24,000 pounds | 27.50 |
| 8 | 24,001 pounds to 26,000 pounds | 33.50 |
| 9 | 26,001 pounds to 30,000 pounds | 45.50 |
| 10 | 30,001 pounds to 36,000 pounds | 67.50 |
| 11 | 36,001 pounds to 42,000 pounds | 100.50 |
| 12 | 42,001 pounds to 48,000 pounds | 135.50 |
| 13 | 48,001 pounds to 54,000 pounds | 170.50 |
| 14 | 54,001 pounds to 60,010 pounds | 200.50 |
| 15 | 60,011 pounds to 66,000 pounds | 270.50 |
| 16 | 66,001 pounds to 72,000 pounds | 335.50 |

17 72,001 pounds to 80,000 pounds 350.50

18 2. Any person found to have improperly registered a motor vehicle in
19 excess of fifty-four thousand pounds when he or she was not entitled to shall be
20 required to purchase the proper license plates and, in addition to all other
21 penalties provided by law, shall be subject to the annual registration fee for the
22 full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.070. 1. [In determining fees based on the horsepower of vehicles
2 propelled by internal combustion engines, the horsepower shall be computed and
3 recorded upon the following formula established by the National Automobile
4 Chamber of Commerce: Square the bore of the cylinder in inches multiplied by
5 the number of cylinders, divided by two and one-half.

6 2. The horsepower of all motor vehicles propelled by steam may be
7 accepted as rated by the manufacturers thereof, or may be determined in
8 accordance with regulations promulgated by the director.

9 3. The horsepower of all motor vehicles, except commercial motor vehicles,
10 propelled by electric power, shall be rated as being between twelve and
11 twenty-four horsepower.

12 4.] Fees of commercial motor vehicles, other than passenger-carrying
13 commercial motor vehicles, shall be based on the gross weight of the vehicle or
14 any combination of vehicles and the maximum load to be carried at any one time
15 during the license period, except the fee for a wrecker, tow truck, rollback or car
16 carrier used in a towing service shall be based on the empty weight of such
17 vehicle fully equipped for the recovery or towing of vehicles.

18 [5.] 2. The decision of the director as to the type of motor vehicles and
19 their classification for the purpose of registration and the computation of fees
20 therefor shall be final and conclusive.

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words
7 "SHOW-ME STATE", the month and year in which the registration shall expire,
8 and an arrangement of numbers or letters, or both, as shall be assigned from year
9 to year by the director of revenue. The plates shall also contain fully reflective
10 material with a common color scheme and design for each type of license plate

11 issued pursuant to this chapter. The plates shall be clearly visible at night, and
12 shall be aesthetically attractive. Special plates for qualified disabled veterans
13 will have the "DISABLED VETERAN" wording on the license plates in preference
14 to the words "SHOW-ME STATE" and special plates for members of the national
15 guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter, but only one license plate shall be issued for each such
28 vehicle except as provided in this subsection. The applicant for registration of
29 any property-carrying commercial motor vehicle may request and be issued two
30 license plates for such vehicle, and if such plates are issued the director of
31 revenue may assess and collect an additional charge from the applicant in an
32 amount not to exceed the fee prescribed for personalized license plates in
33 subsection 1 of section 301.144.

34 4. The plates issued to manufacturers and dealers shall bear the [letter
35 "D" preceding the number,] **letters and numbers as prescribed by section**
36 **301.560**, and the director may place upon the plates other letters or marks to
37 distinguish commercial motor vehicles and trailers and other types of motor
38 vehicles.

39 5. No motor vehicle or trailer shall be operated on any highway of this
40 state unless it shall have displayed thereon the license plate or set of license
41 plates issued by the director of revenue or the state highways and transportation
42 commission and authorized by section 301.140. Each such plate shall be securely
43 fastened to the motor vehicle in a manner so that all parts thereof shall be
44 plainly visible and reasonably clean so that the reflective qualities thereof are not
45 impaired. License plates shall be fastened to all motor vehicles except trucks,
46 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand

47 pounds on the front and rear of such vehicles not less than eight nor more than
48 forty-eight inches above the ground, with the letters and numbers thereon right
49 side up. The license plates on trailers, motorcycles, motortricycles and
50 motorscooters shall be displayed on the rear of such vehicles, with the letters and
51 numbers thereon right side up. The license plate on buses, other than school
52 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess
53 of twelve thousand pounds shall be displayed on the front of such vehicles not
54 less than eight nor more than forty-eight inches above the ground, with the
55 letters and numbers thereon right side up or if two plates are issued for the
56 vehicle pursuant to subsection 3 of this section, displayed in the same manner on
57 the front and rear of such vehicles. The license plate or plates authorized by
58 section 301.140, when properly attached, shall be prima facie evidence that the
59 required fees have been paid.

60 6. (1) The director of revenue shall issue annually or biennially a tab or
61 set of tabs as provided by law as evidence of the annual payment of registration
62 fees and the current registration of a vehicle in lieu of the set of
63 plates. Beginning January 1, 2010, the director may prescribe any additional
64 information recorded on the tab or tabs to ensure that the tab or tabs positively
65 correlate with the license plate or plates issued by the department of revenue for
66 such vehicle. Such tabs shall be produced in each license bureau office.

67 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and
68 display such tab or tabs in the designated area of the license plate, no more than
69 one per plate.

70 (3) A tab or set of tabs issued by the director of revenue when attached
71 to a vehicle in the prescribed manner shall be prima facie evidence that the
72 registration fee for such vehicle has been paid.

73 (4) Except as otherwise provided in this section, the director of revenue
74 shall issue plates for a period of at least six years.

75 (5) For those commercial motor vehicles and trailers registered pursuant
76 to section 301.041, the plate issued by the highways and transportation
77 commission shall be a permanent nonexpiring license plate for which no tabs
78 shall be issued. Nothing in this section shall relieve the owner of any vehicle
79 permanently registered pursuant to this section from the obligation to pay the
80 annual registration fee due for the vehicle. The permanent nonexpiring license
81 plate shall be returned to the highways and transportation commission upon the
82 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring

83 license plate is issued, or the plate may be transferred to a replacement
84 commercial motor vehicle when the owner files a supplemental application with
85 the Missouri highways and transportation commission for the registration of such
86 replacement commercial motor vehicle. Upon payment of the annual registration
87 fee, the highways and transportation commission shall issue a certificate of
88 registration or other suitable evidence of payment of the annual fee, and such
89 evidence of payment shall be carried at all times in the vehicle for which it is
90 issued.

91 (6) Upon the sale or disposal of any vehicle permanently registered under
92 this section, or upon the termination of a lease of any such vehicle, the permanent
93 nonexpiring plate issued for such vehicle shall be returned to the highways and
94 transportation commission and shall not be valid for operation of such vehicle, or
95 the plate may be transferred to a replacement vehicle when the owner files a
96 supplemental application with the Missouri highways and transportation
97 commission for the registration of such replacement vehicle. If a vehicle which
98 is permanently registered under this section is sold, wrecked or otherwise
99 disposed of, or the lease terminated, the registrant shall be given credit for any
100 unused portion of the annual registration fee when the vehicle is replaced by the
101 purchase or lease of another vehicle during the registration year.

102 7. The director of revenue and the highways and transportation
103 commission may prescribe rules and regulations for the effective administration
104 of this section. No rule or portion of a rule promulgated under the authority of
105 this section shall become effective unless it has been promulgated pursuant to the
106 provisions of section 536.024, RSMo.

107 8. Notwithstanding the provisions of any other law to the contrary, owners
108 of motor vehicles other than apportioned motor vehicles or commercial motor
109 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
110 for special personalized license plates. Vehicles licensed for eighteen thousand
111 pounds that display special personalized license plates shall be subject to the
112 provisions of subsections 1 and 2 of section 301.030.

113 9. Commencing January 1, 2009, the director of revenue shall cause to be
114 reissued new license plates of such design as directed by the director consistent
115 with the terms, conditions, and provisions of this section and this
116 chapter. Except as otherwise provided in this section, in addition to all other fees
117 required by law, applicants for registration of vehicles with license plates that
118 expire between January 1, 2009, and December 31, 2011, applicants for

119 registration of trailers or semitrailers with license plates that expire between
120 January 1, 2009, and December 31, 2011, and applicants for registration of
121 vehicles that are to be issued new license plates shall pay an additional fee, based
122 on the actual cost of the reissuance, to cover the cost of the newly reissued plates
123 required by this subsection. The additional fee prescribed in this subsection shall
124 not be charged to persons receiving special license plates issued under section
125 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to
126 section 301.131 and specialized license plates are exempt from the provisions of
127 this subsection.

301.144. 1. The director of revenue shall establish and issue special
2 personalized license plates containing letters or numbers or combinations of
3 letters and numbers. Such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly visible at night,
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any
6 person desiring to obtain a special personalized license plate for any motor
7 vehicle the person owns, either solely or jointly, other than an apportioned motor
8 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
9 pounds gross weight shall apply to the director of revenue on a form provided by
10 the director and shall pay a fee of fifteen dollars in addition to the regular
11 registration fees. The director of revenue shall issue rules and regulations
12 setting the standards and establishing the procedure for application for and
13 issuance of the special personalized license plates and shall provide a deadline
14 each year for the applications. Any rule or portion of a rule, as that term is
15 defined in section 536.010, RSMo, that is created under the authority delegated
16 in this section shall become effective only if it complies with and is subject to all
17 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
18 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
19 powers vested with the general assembly pursuant to chapter 536, RSMo, to
20 review, to delay the effective date or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
23 two owners shall be issued identical plates. An owner shall make a new
24 application and pay a new fee each year such owner desires to obtain or retain
25 special personalized license plates; however, notwithstanding the provisions of
26 subsection 8 of section 301.130 to the contrary, the director shall allow the special
27 personalized license plates to be replaced with new plates every three years

28 without any additional charge, above the fee established in this section, to the
29 renewal applicant. Any person currently in possession of an approved
30 personalized license plate shall have first priority on that particular plate for
31 each of the following years that timely and appropriate application is made.

32 2. Upon application for a personalized plate by the owner of a motor
33 vehicle for which the owner has no registration plate available for transfer as
34 prescribed by section 301.140, the director shall issue a temporary permit
35 authorizing the operation of the motor vehicle until the personalized plate is
36 issued.

37 3. No personalized license plates shall be issued containing any letters,
38 numbers or combination of letters and numbers which are obscene, profane,
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good
40 taste or decency, or would present an unreasonable danger to the health or safety
41 of the applicant, of other users of streets and highways, or of the public in any
42 location where the vehicle with such a plate may be found. The director may
43 recall any personalized license plates, including those issued prior to August 28,
44 1992, if the director determines that the plates are obscene, profane, patently
45 offensive or contemptuous of a racial or ethnic group, or offensive to good taste
46 or decency, or would present an unreasonable danger to the health or safety of
47 the applicant, of other users of streets and highways, or of the public in any
48 location where the vehicle with such a plate may be found. Where the director
49 recalls such plates pursuant to the provisions of this subsection, the director shall
50 reissue personalized license plates to the owner of the motor vehicle for which
51 they were issued at no charge, if the new plates proposed by the owner of the
52 motor vehicle meet the standards established pursuant to this section. The
53 director shall not apply the provisions of this statute in a way that violates the
54 Missouri or United States Constitutions as interpreted by the courts with
55 controlling authority in the state of Missouri. The primary purpose of motor
56 vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a
57 personalized license plate creates a designated or limited public forum. Nothing
58 contained in this subsection shall be interpreted to prohibit the use of license
59 plates, which are no longer valid for registration purposes, as collector's items or
60 for decorative purposes.

61 4. The director may also establish categories of special license plates from
62 which license plates may be issued. Any such person, other than a person
63 exempted from the additional fee pursuant to subsection 7 of this section, that

64 desires a personalized special license plate from any such category shall pay the
65 same additional fee and make the same kind of application as that required by
66 subsection 1 of this section, and the director shall issue such plates in the same
67 manner as other personalized special license plates are issued.

68 5. The director of revenue shall issue to residents of the state of Missouri
69 who hold an unrevoked and unexpired official amateur radio license issued by the
70 Federal Communications Commission, upon application and upon payment of the
71 additional fee specified in subsection 1 of this section, except for a person
72 exempted from the additional fee pursuant to subsection 7 of this section,
73 personalized special license plates bearing the official amateur radio call letters
74 assigned by the Federal Communications Commission to the applicant with the
75 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The
76 application shall be accompanied by a statement stating that the applicant has
77 an unrevoked and unexpired amateur radio license issued by the Federal
78 Communications Commission and the official radio call letters assigned by the
79 Federal Communications Commission to the applicant. An owner making a new
80 application and paying a new fee to retain an amateur radio plate may request
81 a replacement plate with the words "AMATEUR RADIO" in place of the words
82 "SHOW-ME STATE". If application is made to retain a plate that is three years
83 old or older, the replacement plate shall be issued upon the payment of required
84 fees.

85 6. Notwithstanding any other provision to the contrary, any business that
86 repossesses motor vehicles or trailers and sells or otherwise disposes of them
87 shall be issued a placard displaying the word "Repossessed", provided such
88 business pays the fees presently required of a manufacturer, distributor, or dealer
89 in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number
90 and shall be in such form as the director of revenue shall determine, and shall be
91 only used for demonstrations when displayed substantially as provided for
92 number plates on the rear of the motor vehicle or trailer.

93 7. Notwithstanding any provision of law to the contrary, any person who
94 has retired from any branch of the United States armed forces or reserves, the
95 United States Coast Guard or reserve, the United States Merchant Marines or
96 reserve, the National Guard, or any subdivision of any such services shall be
97 exempt from the additional fee required for personalized license plates issued
98 pursuant to section 301.441. As used in this subsection, "retired" means having
99 served twenty or more years in the appropriate branch of service and having

100 received an honorable discharge.

301.560. 1. In addition to the application forms prescribed by the
2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. When the application is being made for licensure
6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,
7 wholesale motor vehicle auction or a public motor vehicle auction, certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 stationed in the troop area in which the applicant's place of business is located;
10 except, that in counties of the first classification, certification may be performed
11 by an officer of a metropolitan police department when the applicant's established
12 place of business of distributing or selling motor vehicles or trailers is in the
13 metropolitan area where the certifying metropolitan police officer is
14 employed. When the application is being made for licensure as a boat
15 manufacturer or boat dealer, certification shall be performed by a uniformed
16 member of the Missouri state water patrol stationed in the district area in which
17 the applicant's place of business is located or by a uniformed member of the
18 Missouri state highway patrol stationed in the troop area in which the applicant's
19 place of business is located or, if the applicant's place of business is located
20 within the jurisdiction of a metropolitan police department in a first class county,
21 by an officer of such metropolitan police department. A bona fide established
22 place of business for any new motor vehicle franchise dealer or used motor vehicle
23 dealer shall include a permanent enclosed building or structure, either owned in
24 fee or leased and actually occupied as a place of business by the applicant for the
25 selling, bartering, trading or exchanging of motor vehicles or trailers and wherein
26 the public may contact the owner or operator at any reasonable time, and wherein
27 shall be kept and maintained the books, records, files and other matters required
28 and necessary to conduct the business. The applicant's place of business shall
29 contain a working telephone which shall be maintained during the entire
30 registration year. In order to qualify as a bona fide established place of business
31 for all applicants licensed pursuant to this section there shall be an exterior sign
32 displayed carrying the name of the business set forth in letters at least six inches
33 in height and clearly visible to the public and there shall be an area or lot which
34 shall not be a public street on which one or more vehicles may be displayed,
35 except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall

36 not be required. The sign shall contain the name of the dealership by which it
37 is known to the public through advertising or otherwise, which need not be
38 identical to the name appearing on the dealership's license so long as such name
39 is registered as a fictitious name with the secretary of state, has been approved
40 by its line-make manufacturer in writing in the case of a new motor vehicle
41 franchise dealer and a copy of such fictitious name registration has been provided
42 to the department. When licensure is for a boat dealer, a lot shall not be
43 required. In the case of new motor vehicle franchise dealers, the bona fide
44 established place of business shall include adequate facilities, tools and personnel
45 necessary to properly service and repair motor vehicles and trailers under their
46 franchisor's warranty;

47 (2) If the application is for licensure as a manufacturer, boat
48 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,
49 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a
50 photograph, not to exceed eight inches by ten inches, showing the business
51 building and sign shall accompany the initial application. In the case of a
52 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,
53 the photograph shall include the lot of the business. A new motor vehicle
54 franchise dealer applicant who has purchased a currently licensed new motor
55 vehicle franchised dealership shall be allowed to submit a photograph of the
56 existing dealership building, lot and sign but shall be required to submit a new
57 photograph upon the installation of the new dealership sign as required by
58 sections 301.550 to 301.573. Applicants shall not be required to submit a
59 photograph annually unless the business has moved from its previously licensed
60 location, or unless the name of the business or address has changed, or unless the
61 class of business has changed;

62 (3) If the application is for licensure as a wholesale motor vehicle dealer
63 or as a boat dealer, the application shall contain the business address, not a post
64 office box, and telephone number of the place where the books, records, files and
65 other matters required and necessary to conduct the business are located and
66 where the same may be inspected during normal daytime business
67 hours. Wholesale motor vehicle dealers and boat dealers shall file reports as
68 required of new franchised motor vehicle dealers and used motor vehicle dealers;

69 (4) Every applicant as a new motor vehicle franchise dealer, a used motor
70 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with
71 the application a corporate surety bond or an irrevocable letter of credit as

72 defined in section 400.5-103, RSMo, issued by any state or federal financial
73 institution in the penal sum of twenty-five thousand dollars on a form approved
74 by the department. The bond or irrevocable letter of credit shall be conditioned
75 upon the dealer complying with the provisions of the statutes applicable to new
76 motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor
77 vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss
78 sustained by reason of the acts of the person bonded when such acts constitute
79 grounds for the suspension or revocation of the dealer's license. The bond shall
80 be executed in the name of the state of Missouri for the benefit of all aggrieved
81 parties or the irrevocable letter of credit shall name the state of Missouri as the
82 beneficiary; except, that the aggregate liability of the surety or financial
83 institution to the aggrieved parties shall, in no event, exceed the amount of the
84 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter
85 of credit shall be paid upon receipt by the department of a final judgment from
86 a Missouri court of competent jurisdiction against the principal and in favor of
87 an aggrieved party;

88 (5) Payment of all necessary license fees as established by the
89 department. In establishing the amount of the annual license fees, the
90 department shall, as near as possible, produce sufficient total income to offset
91 operational expenses of the department relating to the administration of sections
92 301.550 to 301.573. All fees payable pursuant to the provisions of sections
93 301.550 to 301.573, other than those fees collected for the issuance of dealer
94 plates or certificates of number collected pursuant to subsection 6 of this section,
95 shall be collected by the department for deposit in the state treasury to the credit
96 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
97 vehicle commission fund shall be administered by the Missouri department of
98 revenue. The provisions of section 33.080, RSMo, to the contrary
99 notwithstanding, money in such fund shall not be transferred and placed to the
100 credit of the general revenue fund until the amount in the motor vehicle
101 commission fund at the end of the biennium exceeds two times the amount of the
102 appropriation from such fund for the preceding fiscal year or, if the department
103 requires permit renewal less frequently than yearly, then three times the
104 appropriation from such fund for the preceding fiscal year. The amount, if any,
105 in the fund which shall lapse is that amount in the fund which exceeds the
106 multiple of the appropriation from such fund for the preceding fiscal year.

107 2. In the event a new manufacturer, boat manufacturer, motor vehicle

108 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle
 109 auction or a public motor vehicle auction submits an application for a license for
 110 a new business and the applicant has complied with all the provisions of this
 111 section, the department shall make a decision to grant or deny the license to the
 112 applicant within eight working hours after receipt of the dealer's application,
 113 notwithstanding any rule of the department.

114 3. Upon the initial issuance of a license by the department, the
 115 department shall assign a distinctive dealer license number or certificate of
 116 number to the applicant and the department shall issue one number plate or
 117 certificate bearing the distinctive dealer license number or certificate of number
 118 within eight working hours after presentment of the application. Upon the
 119 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,
 120 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor
 121 vehicle auction, the department shall issue the distinctive dealer license number
 122 or certificate of number as quickly as possible. The issuance of such distinctive
 123 dealer license number or certificate of number shall be in lieu of registering each
 124 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
 125 manufacturer, manufacturer, public motor vehicle auction, wholesale motor
 126 vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

127 4. Notwithstanding any other provision of the law to the contrary, the
 128 department shall assign the following distinctive dealer license numbers to:

- 129 New motor vehicle franchise dealers
- 130 **and manufacturers D-0 through [D-999] D-1999**
- 131 [New motor vehicle franchise and commercial
- 132 motor vehicle dealers D-1000 through D-1999]
- 133 Used motor vehicle dealers, **trailer dealers,**
- 134 **and trailer manufacturers D-2000 through D-5399**
- 135 **and D-6000 through D-9999**
- 136 Wholesale motor vehicle dealers W-1000 through W-1999
- 137 Wholesale motor vehicle auctions W-2000 through W-2999
- 138 [Trailer dealers T-0 through T-9999
- 139 Motor vehicle and trailer manufacturers M-0 through M-9999]
- 140 Motorcycle dealers D-5400 through D-5999
- 141 Public motor vehicle auctions A-1000 through A-1999
- 142 Boat dealers and boat manufacturers [B] M-0 through [B] M-9999

143 5. Upon the sale of a currently licensed new motor vehicle franchise

144 dealership the department shall, upon request, authorize the new approved dealer
145 applicant to retain the selling dealer's license number and shall cause the new
146 dealer's records to indicate such transfer.

147 6. In the case of manufacturers and motor vehicle dealers, the department
148 shall also issue one number plate bearing the distinctive dealer license number
149 to the applicant upon payment by the manufacturer or dealer of a fifty dollar
150 fee. Such license plates shall be made with fully reflective material with a
151 common color scheme and design, shall be clearly visible at night, and shall be
152 aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat
153 manufacturers shall be entitled to one certificate of number bearing such number
154 upon the payment of a fifty dollar fee. As many additional number plates as may
155 be desired by manufacturers and motor vehicle dealers and as many additional
156 certificates of number as may be desired by boat dealers and boat manufacturers
157 may be obtained upon payment of a fee of ten dollars and fifty cents for each
158 additional plate or certificate. A motor vehicle dealer, boat dealer, manufacturer,
159 boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer
160 or wholesale motor vehicle auction obtaining a dealer license plate or certificate
161 of number or additional license plate or additional certificate of number,
162 throughout the calendar year, shall be required to pay a fee for such license
163 plates or certificates of number computed on the basis of one-twelfth of the full
164 fee prescribed for the original and duplicate number plates or certificates of
165 number for such dealers' licenses, multiplied by the number of months remaining
166 in the licensing period for which the dealer or manufacturers shall be required
167 to be licensed. In the event of a renewing dealer, the fee due at the time of
168 renewal shall not be prorated.

169 7. The plates issued pursuant to subsection 3 or 6 of this section may be
170 displayed on any motor vehicle owned and held for resale by the motor vehicle
171 dealer or manufacturer, and used by a customer who is test driving the motor
172 vehicle, or is used by an employee or officer, but shall not be displayed on any
173 motor vehicle or trailer hired or loaned to others or upon any regularly used
174 service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
175 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

176 8. The certificates of number issued pursuant to subsection 3 or 6 of this
177 section may be displayed on any vessel or vessel trailer owned and held for resale
178 by a boat manufacturer or a boat dealer, and used by a customer who is test
179 driving the vessel or vessel trailer, or is used by an employee or officer, but shall

180 not be displayed on any vessel or vessel trailer hired or loaned to others or upon
181 any regularly used service vessel or vessel trailer. Boat dealers and
182 manufacturers may display their certificate of number on a vessel or vessel trailer
183 which is being transported to an exhibit or show.

**301.2998. Notwithstanding any other provisions of this chapter,
2 which establishes the issuance of a specialty plate, if no applications
3 for such plate have been received within five years from the effective
4 date of the section authorizing the plate, then the department of
5 revenue no longer will be required to accept applications and issue
6 such plate.**

302.545. 1. Any person who is less than twenty-one years of age and
2 whose driving privilege has been suspended or revoked, for a first determination
3 under sections 302.500 to 302.540, that such person was driving with
4 two-hundredths of one percent of blood alcohol content, shall have all official
5 records and all recordations maintained by the department of revenue of such
6 suspension or revocation expunged two years after the date of such suspension
7 or revocation, or when such person attains the age of twenty-one, whichever date
8 first occurs. Such expungement shall be performed by the department of revenue
9 without need of a court order. No records shall be expunged if the person was
10 found guilty or pled guilty to operating a commercial motor vehicle, as defined in
11 section 302.700, **or if the person was holding a commercial driver's
12 license at the time of the offense** with a blood alcohol content of at least
13 four-hundredths of one percent.

14 2. The provisions of this section shall not apply to any person whose
15 license is suspended or revoked for a second or subsequent time pursuant to
16 subsection 1 of this section or who is convicted of any alcohol-related driving
17 offense before the age of twenty-one including, but not limited to:

- 18 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or
19 (2) Driving with excessive blood alcohol content pursuant to section
20 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

- 5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty
41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay;**

- 43 (9) "Director", the director of revenue or his authorized representative;
- 44 (10) "Disqualification", any of the following three actions:
- 45 (a) The suspension, revocation, or cancellation of a commercial driver's
- 46 license;
- 47 (b) Any withdrawal of a person's privileges to drive a commercial motor
- 48 vehicle by a state as the result of a violation of federal, state, county, municipal,
- 49 or local law relating to motor vehicle traffic control or violations committed
- 50 through the operation of motor vehicles, other than parking, vehicle weight, or
- 51 vehicle defect violations;
- 52 (c) A determination by the Federal Motor Carrier Safety Administration
- 53 that a person is not qualified to operate a commercial motor vehicle under 49
- 54 CFR Part 383.52 or Part 391;
- 55 (11) "Drive", to drive, operate or be in physical control of a commercial
- 56 motor vehicle;
- 57 (12) "Driver", any person who drives, operates, or is in physical control of
- 58 a motor vehicle, or who is required to hold a commercial driver's license;
- 59 (13) "Driving under the influence of alcohol", the commission of any one
- 60 or more of the following acts:
- 61 (a) Driving a commercial motor vehicle with the alcohol concentration of
- 62 four one-hundredths of a percent or more as prescribed by the secretary or such
- 63 other alcohol concentration as may be later determined by the secretary by
- 64 regulation;
- 65 (b) Driving a commercial or noncommercial motor vehicle while
- 66 intoxicated in violation of any federal or state law, or in violation of a county or
- 67 municipal ordinance;
- 68 (c) Driving a commercial or noncommercial motor vehicle with excessive
- 69 blood alcohol content in violation of any federal or state law, or in violation of a
- 70 county or municipal ordinance;
- 71 (d) Refusing to submit to a chemical test in violation of section 577.041,
- 72 RSMo, section 302.750, any federal or state law, or a county or municipal
- 73 ordinance; or
- 74 (e) Having any state, county or municipal alcohol-related enforcement
- 75 contact, as defined in subsection 3 of section 302.525; provided that any
- 76 suspension or revocation pursuant to section 302.505, committed in a
- 77 noncommercial motor vehicle by an individual twenty-one years of age or older
- 78 shall have been committed by the person with an alcohol concentration of at least

79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the
88 influence of any substance so classified under Section 102(6) of the Controlled
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a
92 drugged condition in violation of any federal or state law or in violation of a
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,
95 RSMo, section 302.750, any federal or state law, or a county or municipal
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a
98 political subdivision of a state, who owns or leases a commercial motor vehicle or
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, within one hundred fifty
103 miles of the farm, other than one which requires placarding for hazardous
104 materials as defined in this section, or used in the operation of a common or
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor
106 vehicle when the total combined gross weight rating does not exceed twenty-six
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In

115 the absence of a value specified by the manufacturer, GCWR will be determined
116 by adding the GVWR of the power unit and the total weight of the towed unit and
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et
122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,
123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not
124 be considered hazardous materials when transported by a farm vehicle provided
125 all other provisions of this definition are followed;

126 (22) "Imminent hazard", the existence of a condition that presents a
127 substantial likelihood that death, serious illness, severe personal injury, or a
128 substantial endangerment to health, property, or the environment may occur
129 before the reasonably foreseeable completion date of a formal proceeding begins
130 to lessen the risk of that death, illness, injury, or endangerment;

131 (23) "Issuance", the initial licensure, license transfers, license renewals,
132 and license upgrades;

133 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
134 upon tracks;

135 (25) "Noncommercial motor vehicle", a motor vehicle or combination of
136 motor vehicles not defined by the term "commercial motor vehicle" in this section;

137 (26) "Out of service", a temporary prohibition against the operation of a
138 commercial motor vehicle by a particular driver, or the operation of a particular
139 commercial motor vehicle, or the operation of a particular motor carrier;

140 (27) "Out-of-service order", a declaration by the Federal Highway
141 Administration, or any authorized enforcement officer of a federal, state,
142 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that
143 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
144 service;

145 (28) "School bus", a commercial motor vehicle used to transport
146 preprimary, primary, or secondary school students from home to school, from
147 school to home, or to and from school-sponsored events. School bus does not
148 include a bus used as a common carrier as defined by the Secretary;

149 (29) "Secretary", the Secretary of Transportation of the United States;

150 (30) "Serious traffic violation", driving a commercial motor vehicle in such

151 a manner that the driver receives a conviction for the following offenses or driving
152 a noncommercial motor vehicle when the driver receives a conviction for the
153 following offenses and the conviction results in the suspension or revocation of
154 the driver's license or noncommercial motor vehicle driving privilege:

155 (a) Excessive speeding, as defined by the Secretary by regulation;

156 (b) Careless, reckless or imprudent driving which includes, but shall not
157 be limited to, any violation of section 304.016, RSMo, any violation of section
158 304.010, RSMo, or any other violation of federal or state law, or any county or
159 municipal ordinance while driving a commercial motor vehicle in a willful or
160 wanton disregard for the safety of persons or property, or improper or erratic
161 traffic lane changes, or following the vehicle ahead too closely, but shall not
162 include careless and imprudent driving by excessive speed;

163 (c) A violation of any federal or state law or county or municipal ordinance
164 regulating the operation of motor vehicles arising out of an accident or collision
165 which resulted in death to any person, other than a parking violation;

166 (d) Driving a commercial motor vehicle without obtaining a commercial
167 driver's license in violation of any federal or state or county or municipal
168 ordinance;

169 (e) Driving a commercial motor vehicle without a commercial driver's
170 license in the driver's possession in violation of any federal or state or county or
171 municipal ordinance. Any individual who provides proof to the court which has
172 jurisdiction over the issued citation that the individual held a valid commercial
173 driver's license on the date that the citation was issued shall not be guilty of this
174 offense;

175 (f) Driving a commercial motor vehicle without the proper commercial
176 driver's license class or endorsement for the specific vehicle group being operated
177 or for the passengers or type of cargo being transported in violation of any federal
178 or state law or county or municipal ordinance; or

179 (g) Any other violation of a federal or state law or county or municipal
180 ordinance regulating the operation of motor vehicles, other than a parking
181 violation, as prescribed by the secretary by regulation;

182 (31) "State", a state, territory or possession of the United States, the
183 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province
184 of Canada;

185 (32) "United States", the fifty states and the District of Columbia.

302.755. 1. A person is disqualified from driving a commercial motor

2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance;

5 (2) Driving a commercial motor vehicle which causes a fatality through
6 the negligent operation of the commercial motor vehicle, including but not limited
7 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
8 homicide;

9 (3) Driving a commercial motor vehicle while revoked pursuant to section
10 302.727;

11 (4) Leaving the scene of an accident involving a commercial or
12 noncommercial motor vehicle operated by the person;

13 (5) Using a commercial or noncommercial motor vehicle in the commission
14 of any felony, as defined in section 302.700, except a felony as provided in
15 subsection 4 of this section.

16 2. If any of the violations described in subsection 1 of this section occur
17 while transporting a hazardous material the person is disqualified for a period
18 of not less than three years.

19 3. Any person is disqualified from operating a commercial motor vehicle
20 for life if convicted of two or more violations of any of the offenses specified in
21 subsection 1 of this section, or any combination of those offenses, arising from two
22 or more separate incidents. The director may issue rules and regulations, in
23 accordance with guidelines established by the secretary, under which a
24 disqualification for life under this section may be reduced to a period of not less
25 than ten years.

26 4. Any person is disqualified from driving a commercial motor vehicle for
27 life who uses a commercial or noncommercial motor vehicle in the commission of
28 any felony involving the manufacture, distribution, or dispensing of a controlled
29 substance, or possession with intent to manufacture, distribute, or dispense a
30 controlled substance.

31 5. Any person is disqualified from operating a commercial motor vehicle
32 for a period of not less than sixty days if convicted of two serious traffic violations
33 or one hundred twenty days if convicted of three serious traffic violations, arising
34 from separate incidents occurring within a three-year period.

35 6. Any person found to be operating a commercial motor vehicle while
36 having any measurable alcohol concentration shall immediately be issued a
37 continuous twenty-four-hour out-of-service order by a law enforcement officer in

38 this state.

39 7. Any person who is convicted of operating a commercial motor vehicle
40 beginning at the time of issuance of the out-of-service order until its expiration
41 is guilty of a class A misdemeanor.

42 8. Any person convicted for the first time of driving while out of service
43 shall be disqualified from driving a commercial motor vehicle for a period of
44 ninety days.

45 9. Any person convicted of driving while out of service on a second
46 occasion during any ten-year period, involving separate incidents, shall be
47 disqualified for a period of one year.

48 10. Any person convicted of driving while out of service on a third or
49 subsequent occasion during any ten-year period, involving separate incidents,
50 shall be disqualified for a period of three years.

51 11. Any person convicted of a first violation of an out-of-service order
52 while transporting hazardous materials or while operating a motor vehicle
53 designed to transport sixteen or more passengers, including the driver, is
54 disqualified for a period of one hundred eighty days.

55 12. Any person convicted of any subsequent violation of an out-of-service
56 order in a separate incident within ten years after a previous violation, while
57 transporting hazardous materials or while operating a motor vehicle designed to
58 transport fifteen passengers, including the driver, is disqualified for a period of
59 three years.

60 13. Any person convicted of any other offense as specified by regulations
61 promulgated by the Secretary of Transportation shall be disqualified in
62 accordance with such regulations.

63 14. After suspending, revoking, canceling or disqualifying a driver, the
64 director shall update records to reflect such action and notify a nonresident's
65 licensing authority and the commercial driver's license information system within
66 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the
67 Secretary.

68 15. Any person disqualified from operating a commercial motor vehicle
69 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
70 driver's license canceled, and upon conclusion of the period of disqualification
71 shall take the written and driving tests and meet all other requirements of
72 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
73 withdrawn by the director until such person reapplies for a commercial driver's

74 license in this or any other state after meeting all requirements of sections
75 302.700 to 302.780.

76 16. The director shall disqualify a driver upon receipt of notification that
77 the Secretary has determined a driver to be an imminent hazard pursuant to 49
78 CFR, Part 383.52. Due process of a disqualification determined by the Secretary
79 pursuant to this section shall be held in accordance with regulations promulgated
80 by the Secretary. The period of disqualification determined by the Secretary
81 pursuant to this section shall be served concurrently to any other period of
82 disqualification which may be imposed by the director pursuant to this
83 section. Both disqualifications shall appear on the driving record of the driver.

84 **17. The director shall disqualify a commercial license holder or**
85 **operator of a commercial vehicle from operation of any commercial**
86 **motor vehicle upon receipt of a conviction for an offense of failure to**
87 **appear or pay, and such disqualification shall remain in effect until the**
88 **director receives notice that the person has complied with the**
89 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and
4 national guard on active duty, including personnel on full-time national guard
5 duty, personnel on part-time training and national guard military technicians,
6 while driving [military] vehicles for military purposes;
- 7 (3) Any person who drives emergency or fire equipment necessary to the
8 preservation of life or property or the execution of emergency governmental
9 functions under emergency conditions;
- 10 (4) Any person qualified to operate the equipment under subdivision (3)
11 of this section when operating such equipment in other functions such as parades,
12 special events, repair, service or other authorized movements;
- 13 (5) Any person driving or pulling a recreational vehicle, as defined in
14 sections 301.010 and 700.010, RSMo, for personal use; and
- 15 (6) Any other class of persons exempted by rule or regulation of the
16 director, which rule or regulation is in compliance with the Commercial Motor
17 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that
18 act.

304.155. 1. Any law enforcement officer within the officer's jurisdiction,
2 or an officer of a government agency where that agency's real property is

3 concerned, may authorize a towing company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left
6 unattended for ten hours, or immediately if a law enforcement officer determines
7 that the abandoned property is a serious hazard to other motorists, provided that
8 commercial motor vehicles not hauling materials designated as hazardous under
9 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety
10 until the owner or owner's representative has had a reasonable opportunity to
11 contact a towing company of choice;

12 (b) Any interstate highway or freeway outside of an urbanized area, left
13 unattended for forty-eight hours, or after four hours if a law enforcement officer
14 determines that the abandoned property is a serious hazard to other motorists,
15 provided that commercial motor vehicles not hauling materials designated as
16 hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
17 to a place of safety until the owner or owner's representative has had a
18 reasonable opportunity to contact a towing company of choice;

19 (c) Any state highway other than an interstate highway or freeway in an
20 urbanized area, left unattended for more than ten hours; or

21 (d) Any state highway other than an interstate highway or freeway
22 outside of an urbanized area, left unattended for more than forty-eight hours;
23 provided that commercial motor vehicles not hauling waste designated as
24 hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
25 to a place of safety until the owner or owner's representative has had a
26 reasonable opportunity to contact a towing company of choice;

27 (2) Any unattended abandoned property illegally left standing upon any
28 highway or bridge if the abandoned property is left in a position or under such
29 circumstances as to obstruct the normal movement of traffic where there is no
30 reasonable indication that the person in control of the property is arranging for
31 its immediate control or removal;

32 (3) Any abandoned property which has been abandoned under section
33 577.080, RSMo;

34 (4) Any abandoned property which has been reported as stolen or taken
35 without consent of the owner;

36 (5) Any abandoned property for which the person operating such property
37 is arrested for an alleged offense for which the officer is required to take the
38 person into custody and where such person is unable to arrange for the property's

39 timely removal;

40 (6) Any abandoned property which due to any other state law or local
41 ordinance is subject to towing because of the owner's outstanding traffic or
42 parking violations;

43 (7) Any abandoned property left unattended in violation of a state law or
44 local ordinance where signs have been posted giving notice of the law or where
45 the violation causes a safety hazard; or

46 (8) Any abandoned property illegally left standing on the waters of this
47 state as defined in section 306.010, RSMo, where the abandoned property is
48 obstructing the normal movement of traffic, or where the abandoned property has
49 been unattended for more than ten hours or is floating loose on the water.

50 2. The state transportation department may immediately remove any
51 abandoned, unattended, wrecked, burned or partially dismantled property, spilled
52 cargo or other personal property from the roadway of any state highway if the
53 abandoned property, cargo or personal property is creating a traffic hazard
54 because of its position in relation to the state highway. In the event the property
55 creating a traffic hazard is a commercial motor vehicle, as defined in section
56 302.700, RSMo, the department's authority under this subsection shall be limited
57 to authorizing a towing company to remove the commercial motor vehicle to a
58 place of safety, except that the owner of the commercial motor vehicle or the
59 owner's designated representative shall have a reasonable opportunity to contact
60 a towing company of choice. The provisions of this subsection shall not apply to
61 vehicles transporting any material which has been designated as hazardous under
62 Section 5103(a) of Title 49, U.S.C.

63 3. Any law enforcement agency authorizing a tow pursuant to this section
64 in which the abandoned property is moved from the immediate vicinity shall
65 complete a crime inquiry and inspection report. Any state or federal government
66 agency other than a law enforcement agency authorizing a tow pursuant to this
67 section in which the abandoned property is moved away from the immediate
68 vicinity in which it was abandoned shall report the towing to the state highway
69 patrol or water patrol within two hours of the tow along with a crime inquiry and
70 inspection report as required in this section. Any local government agency, other
71 than a law enforcement agency, authorizing a tow pursuant to this section where
72 property is towed away from the immediate vicinity shall report the tow to the
73 local law enforcement agency within two hours along with a crime inquiry and
74 inspection report.

75 4. Neither the law enforcement officer, government agency official nor
76 anyone having custody of abandoned property under his direction shall be liable
77 for any damage to such abandoned property occasioned by a removal authorized
78 by this section or by ordinance of a county or municipality licensing and
79 regulating the sale of abandoned property by the municipality, other than
80 damages occasioned by negligence or by willful or wanton acts or omissions.

81 5. The owner of abandoned property removed as provided in this section
82 or in section 304.157 shall be responsible for payment of all reasonable charges
83 for towing and storage of such abandoned property as provided in section 304.158.

84 6. Upon the towing of any abandoned property pursuant to this section or
85 under authority of a law enforcement officer or local government agency pursuant
86 to section 304.157, the law enforcement agency that authorized such towing or
87 was properly notified by another government agency of such towing shall
88 promptly make an inquiry with the national crime information center and any
89 statewide Missouri law enforcement computer system to determine if the
90 abandoned property has been reported as stolen and shall enter the information
91 pertaining to the towed property into the statewide law enforcement computer
92 system. If the abandoned property is not claimed within ten working days of the
93 towing, the tower who has online access to the department of revenue's records
94 shall make an inquiry to determine the abandoned property owner and lienholder,
95 if any, of record. In the event that the records of the department of revenue fail
96 to disclose the name of the owner or any lienholder of record, the tower shall
97 comply with the requirements of subsection 3 of section 304.156. If the tower
98 does not have online access, the law enforcement agency shall submit a crime
99 inquiry and inspection report to the director of revenue. A towing company that
100 does not have online access to the department's records and that is in possession
101 of abandoned property after ten working days shall report such fact to the law
102 enforcement agency with which the crime inquiry and inspection report was
103 filed. The crime inquiry and inspection report shall be designed by the director
104 of revenue and shall include the following:

105 (1) The year, model, make and property identification number of the
106 property and the owner and any lienholders, if known;

107 (2) A description of any damage to the property noted by the officer
108 authorizing the tow;

109 (3) The license plate or registration number and the state of issuance, if
110 available;

- 111 (4) The storage location of the towed property;
- 112 (5) The name, telephone number and address of the towing company;
- 113 (6) The date, place and reason for the towing of the abandoned property;
- 114 (7) The date of the inquiry of the national crime information center, any
115 statewide Missouri law enforcement computer system and any other similar
116 system which has titling and registration information to determine if the
117 abandoned property had been stolen. This information shall be entered only by
118 the law enforcement agency making the inquiry;
- 119 (8) The signature and printed name of the officer authorizing the tow;
120 [and]
- 121 (9) The name of the towing company, the signature and printed name of
122 the towing operator, and an indicator disclosing whether the tower has online
123 access to the department's records; **and**
- 124 (10) Any additional information the director of revenue deems
125 appropriate.

126 7. One copy of the crime inquiry and inspection report shall remain with
127 the agency which authorized the tow. One copy shall be provided to and retained
128 by the storage facility and one copy shall be retained by the towing facility in an
129 accessible format in the business records for a period of three years from the date
130 of the tow or removal.

131 8. The owner of such abandoned property, or the holder of a valid security
132 interest of record, may reclaim it from the towing company upon proof of
133 ownership or valid security interest of record and payment of all reasonable
134 charges for the towing and storage of the abandoned property. **The registered
135 owner or owner's agent claiming abandoned property under this
136 chapter shall present a copy of the most recent registration receipt or
137 title for the abandoned property to the appropriate law enforcement
138 agency or towing company before the property is released; except that,
139 an insurance company or holder of a valid security interest of record
140 shall not be required to present a copy of the most recent registration
141 receipt or title to claim such abandoned property.**

142 9. Any person who removes abandoned property at the direction of a law
143 enforcement officer or an officer of a government agency where that agency's real
144 property is concerned as provided in this section shall have a lien for all
145 reasonable charges for the towing and storage of the abandoned property until
146 possession of the abandoned property is voluntarily relinquished to the owner of

147 the abandoned property or to the holder of a valid security interest of
148 record. Any personal property within the abandoned property need not be
149 released to the owner thereof until the reasonable or agreed charges for such
150 recovery, transportation or safekeeping have been paid or satisfactory
151 arrangements for payment have been made, except that any medication
152 prescribed by a physician shall be released to the owner thereof upon
153 request. The company holding or storing the abandoned property shall either
154 release the personal property to the owner of the abandoned property or allow the
155 owner to inspect the property and provide an itemized receipt for the
156 contents. The company holding or storing the property shall be strictly liable for
157 the condition and safe return of the personal property. Such lien shall be
158 enforced in the manner provided under section 304.156.

159 10. Towing companies shall keep a record for three years on any
160 abandoned property towed and not reclaimed by the owner of the abandoned
161 property. Such record shall contain information regarding the authorization to
162 tow, copies of all correspondence with the department of revenue concerning the
163 abandoned property, including copies of any online records of the towing company
164 accessed and information concerning the final disposition of the possession of the
165 abandoned property.

166 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain
167 vehicle, outboard motor or vessel without the knowledge or cooperation of the
168 owner, then the reposessor shall notify the local law enforcement agency where
169 the repossession occurred within two hours of the repossession and shall further
170 provide the local law enforcement agency with any additional information the
171 agency deems appropriate. The local law enforcement agency shall make an
172 inquiry with the national crime information center and the Missouri statewide
173 law enforcement computer system and shall enter the repossessed vehicle into the
174 statewide law enforcement computer system.

175 12. Notwithstanding the provisions of section 301.227, RSMo, any towing
176 company who has complied with the notification provisions in section 304.156
177 including notice that any property remaining unredeemed after thirty days may
178 be sold as scrap property may then dispose of such property as provided in this
179 subsection. Such sale shall only occur if at least thirty days has passed since the
180 date of such notification, the abandoned property remains unredeemed with no
181 satisfactory arrangements made with the towing company for continued storage,
182 and the owner or holder of a security agreement has not requested a hearing as

183 provided in section 304.156. The towing company may dispose of such abandoned
184 property by selling the property on a bill of sale as prescribed by the director of
185 revenue to a scrap metal operator or licensed salvage dealer for destruction
186 purposes only. The towing company shall forward a copy of the bill of sale
187 provided by the scrap metal operator or licensed salvage dealer to the director of
188 revenue within two weeks of the date of such sale. The towing company shall
189 keep a record of each such vehicle sold for destruction for three years [that] **and**
190 **such records** shall be available for inspection by law enforcement and
191 authorized department of revenue officials. The record shall contain the year,
192 make, identification number of the property, date of sale, and name of the
193 purchasing scrap metal operator or licensed salvage dealer and copies of all
194 notifications issued by the towing company as required in this [chapter]
195 **section**. Scrap metal operators or licensed salvage dealers shall keep a record
196 of the purchase of such property as provided in section 301.227, RSMo. Scrap
197 metal operators and licensed salvage dealers may obtain a junk certificate as
198 provided in section 301.227, RSMo, on vehicles purchased on a bill of sale
199 pursuant to this section. **Any sale under this subsection shall be excluded**
200 **from the provisions of sections 301.196 to 301.198, RSMo.**

304.170. 1. No vehicle operated upon the highways of this state shall
2 have a width, including load, in excess of ninety-six inches, except clearance
3 lights, rearview mirrors or other accessories required by federal, state or city law
4 or regulation; except that, vehicles having a width, including load, not in excess
5 of one hundred two inches, exclusive of clearance lights, rearview mirrors or other
6 accessories required by law or regulations, may be operated on the interstate
7 highways and such other highways as may be designated by the highways and
8 transportation commission for the operation of such vehicles plus a distance not
9 to exceed ten miles from such interstate or designated highway. Provided
10 however, a recreational vehicle as defined in section 700.010, RSMo, may exceed
11 the foregoing width limits if the appurtenances on such recreational vehicle
12 extend no further than the rearview mirrors. Such mirrors may only extend the
13 distance necessary to provide the required field of view before the appurtenances
14 were attached.

15 2. No vehicle operated upon the interstate highway system or upon any
16 route designated by the chief engineer of the state transportation department
17 shall have a height, including load, in excess of fourteen feet. On all other
18 highways, no vehicle shall have a height, including load, in excess of thirteen and

19 one-half feet, except that any vehicle or combination of vehicles transporting
20 automobiles or other motor vehicles may have a height, including load, of not
21 more than fourteen feet.

22 3. No single motor vehicle operated upon the highways of this state shall
23 have a length, including load, in excess of forty-five feet, except as otherwise
24 provided in this section.

25 4. No bus, recreational motor vehicle or trackless trolley coach operated
26 upon the highways of this state shall have a length in excess of forty-five feet,
27 except that such vehicles may exceed the forty-five feet length when such excess
28 length is caused by the projection of a front safety bumper or a rear safety
29 bumper or both. Such safety bumper shall not cause the length of the bus or
30 recreational motor vehicle to exceed the forty-five feet length limit by more than
31 one foot in the front and one foot in the rear. The term "safety bumper" means
32 any device which may be fitted on an existing bumper or which replaces the
33 bumper and is so constructed, treated, or manufactured that it absorbs energy
34 upon impact.

35 5. No combination of truck-tractor and semitrailer or truck-tractor
36 equipped with dromedary and semitrailer operated upon the highways of this
37 state shall have a length, including load, in excess of sixty feet; except that in
38 order to comply with the provisions of Title 23 of the United States Code (Public
39 Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor
40 equipped with dromedary and semitrailer operated upon the interstate highway
41 system of this state shall have an overall length, including load, in excess of the
42 length of the truck-tractor plus the semitrailer or truck-tractor equipped with
43 dromedary and semitrailer. The length of such semitrailer shall not exceed
44 fifty-three feet.

45 6. In order to comply with the provisions of Title 23 of the United States
46 Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer
47 operated upon the interstate highway system of this state shall have an overall
48 length, including load, in excess of the length of the truck-tractor plus the
49 semitrailer and trailer, neither of which semitrailer or trailer shall exceed
50 twenty-eight feet in length, except that any existing semitrailer or trailer up to
51 twenty-eight and one-half feet in length actually and lawfully operated on
52 December 1, 1982, within a sixty-five foot overall length limit in any state, may
53 continue to be operated upon the interstate highways of this state. On those
54 primary highways not designated by the state highways and transportation

55 commission as provided in subsection 10 of this section, no combination of
56 truck-tractor, semitrailer and trailer shall have an overall length, including load,
57 in excess of sixty-five feet; provided, however, the state highways and
58 transportation commission may designate additional routes for such sixty-five foot
59 combinations.

60 7. Automobile transporters, boat transporters, truck-trailer boat
61 transporter combinations, stinger-steered combination automobile transporters
62 and stinger-steered combination boat transporters having a length not in excess
63 of seventy-five feet may be operated on the interstate highways of this state and
64 such other highways as may be designated by the highways and transportation
65 commission for the operation of such vehicles plus a distance not to exceed ten
66 miles from such interstate or designated highway. All length provisions
67 regarding automobile or boat transporters, truck-trailer boat transporter
68 combinations and stinger-steered combinations shall include a semitrailer length
69 not to exceed fifty-three feet and are exclusive of front and rear overhang, which
70 shall be no greater than a three-foot front overhang and no greater than a
71 four-foot rear overhang.

72 8. Driveaway saddlemount combinations having a length not in excess of
73 ~~[seventy-five]~~ **ninety-seven** feet may be operated on the interstate highways of
74 this state and such other highways as may be designated by the highways and
75 transportation commission for the operation of such vehicles plus a distance not
76 to exceed ten miles from such interstate or designated highway. Saddlemount
77 combinations must comply with the safety requirements of Section 393.71 of Title
78 49 of the Code of Federal Regulations and may contain no more than three
79 saddlemounted vehicles and one fullmount.

80 9. No truck-tractor semitrailer-semitrailer combination vehicles operated
81 upon the interstate and designated primary highway system of this state shall
82 have a semitrailer length in excess of twenty-eight feet or twenty-eight and
83 one-half feet if the semitrailer was in actual and lawful operation in any state on
84 December 1, 1982, operating in a truck-tractor semitrailer-semitrailer
85 combination. The B-train assembly is excluded from the measurement of
86 semitrailer length when used between the first and second semitrailer of a
87 truck-tractor semitrailer-semitrailer combination, except that when there is no
88 semitrailer mounted to the B-train assembly, it shall be included in the length
89 measurement of the semitrailer.

90 10. The highways and transportation commission is authorized to

91 designate routes on the state highway system other than the interstate system
92 over which those combinations of vehicles of the lengths specified in subsections
93 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles
94 operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may
95 be operated at a distance not to exceed ten miles from the interstate system and
96 such routes as designated under the provisions of this subsection.

97 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section,
98 no other combination of vehicles operated upon the primary or interstate
99 highways of this state plus a distance of ten miles from a primary or interstate
100 highway shall have an overall length, unladen or with load, in excess of sixty-five
101 feet or in excess of fifty-five feet on any other highway, except the state highways
102 and transportation commission may designate additional routes for use by
103 sixty-five foot combinations, seventy-five foot stinger-steered combinations or
104 [seventy-five] **ninety-seven** foot saddlemount combinations. Any vehicle or
105 combination of vehicles transporting automobiles, boats or other motor vehicles
106 may carry a load which extends no more than three feet beyond the front and four
107 feet beyond the rear of the transporting vehicle or combination of vehicles.

108 12. (1) Except as hereinafter provided, these restrictions shall not apply
109 to agricultural implements operating occasionally on the highways for short
110 distances, or to self-propelled hay-hauling equipment or to implements of
111 husbandry, or to the movement of farm products as defined in section 400.9-109,
112 RSMo, or to vehicles temporarily transporting agricultural implements or
113 implements of husbandry or roadmaking machinery, or road materials or towing
114 for repair purposes vehicles that have become disabled upon the highways; or to
115 implement dealers delivering or moving farm machinery for repairs on any state
116 highway other than the interstate system.

117 (2) Implements of husbandry and vehicles transporting such machinery
118 or equipment and the movement of farm products as defined in section 400.9.109,
119 RSMo, may be operated occasionally for short distances on state highways when
120 operated between the hours of sunrise and sunset by a driver licensed as an
121 operator or chauffeur.

122 13. As used in this chapter the term "implements of husbandry" means
123 all self-propelled machinery operated at speeds of less than thirty miles per hour,
124 specifically designed for, or especially adapted to be capable of, incidental
125 over-the-road and primary offroad usage and used exclusively for the application
126 of commercial plant food materials or agricultural chemicals, and not specifically

127 designed or intended for transportation of such chemicals and materials.

128 14. The purpose of this section is to permit a single trip per day by the
129 implement of husbandry from the source of supply to a given farm.

130 15. Sludge disposal units may be operated on all state highways other
131 than the interstate system. Such units shall not exceed one hundred thirty-eight
132 inches in width and may be equipped with over-width tires. Such units shall
133 observe all axle weight limits. The chief engineer of the state transportation
134 department shall issue special permits for the movement of such disposal units
135 and may by such permits restrict the movements to specified routes, days and
136 hours.

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020, RSMo, shall
5 be moved or operated on any highway of this state having a greater weight than
6 the vehicle manufacturer's rating on a steering axle with the maximum weight
7 not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be
8 moved or operated on any state highway of this state having a greater weight
9 than thirty-four thousand pounds on any tandem axle; the term "tandem axle"
10 shall mean a group of two or more axles, arranged one behind another, the
11 distance between the extremes of which is more than forty inches and not more
12 than ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
14 all wheels whose centers are included between two parallel transverse vertical
15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
17 state through any one axle or on any tandem axle, the total gross weight with
18 load imposed by any group of two or more consecutive axles of any vehicle or
19 combination of vehicles shall not exceed the maximum load in pounds as set forth
20 in the following table:

21 Distance in feet
22 between the extremes
23 of any group of two or
24 more consecutive axles,
25 measured to the nearest
26 foot, except where

| 27 indicated otherwise | | Maximum load in pounds | | | | |
|------------------------|---------|------------------------|---------|---------|---------|--|
| 28 feet | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | |
| 29 4 | 34,000 | | | | | |
| 30 5 | 34,000 | | | | | |
| 31 6 | 34,000 | | | | | |
| 32 7 | 34,000 | | | | | |
| 33 8 | 34,000 | 34,000 | | | | |
| 34 More than 8 | 38,000 | 42,000 | | | | |
| 35 9 | 39,000 | 42,500 | | | | |
| 36 10 | 40,000 | 43,500 | | | | |
| 37 11 | 40,000 | 44,000 | | | | |
| 38 12 | 40,000 | 45,000 | 50,000 | | | |
| 39 13 | 40,000 | 45,500 | 50,500 | | | |
| 40 14 | 40,000 | 46,500 | 51,500 | | | |
| 41 15 | 40,000 | 47,000 | 52,000 | | | |
| 42 16 | 40,000 | 48,000 | 52,500 | 58,000 | | |
| 43 17 | 40,000 | 48,500 | 53,500 | 58,500 | | |
| 44 18 | 40,000 | 49,500 | 54,000 | 59,000 | | |
| 45 19 | 40,000 | 50,000 | 54,500 | 60,000 | | |
| 46 20 | 40,000 | 51,000 | 55,500 | 60,500 | 66,000 | |
| 47 21 | 40,000 | 51,500 | 56,000 | 61,000 | 66,500 | |
| 48 22 | 40,000 | 52,500 | 56,500 | 61,500 | 67,000 | |
| 49 23 | 40,000 | 53,000 | 57,500 | 62,500 | 68,000 | |
| 50 24 | 40,000 | 54,000 | 58,000 | 63,000 | 68,500 | |
| 51 25 | 40,000 | 54,500 | 58,500 | 63,500 | 69,000 | |
| 52 26 | 40,000 | 55,500 | 59,500 | 64,000 | 69,500 | |
| 53 27 | 40,000 | 56,000 | 60,000 | 65,000 | 70,000 | |
| 54 28 | 40,000 | 57,000 | 60,500 | 65,500 | 71,000 | |
| 55 29 | 40,000 | 57,500 | 61,500 | 66,000 | 71,500 | |
| 56 30 | 40,000 | 58,500 | 62,000 | 66,500 | 72,000 | |
| 57 31 | 40,000 | 59,000 | 62,500 | 67,500 | 72,500 | |
| 58 32 | 40,000 | 60,000 | 63,500 | 68,000 | 73,000 | |

| | | | | | | |
|----|----|--------|--------|--------|--------|--------|
| 59 | 33 | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
| 60 | 34 | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| 61 | 35 | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
| 62 | 36 | | 60,000 | 66,000 | 70,500 | 75,500 |
| 63 | 37 | | 60,000 | 66,500 | 71,000 | 76,000 |
| 64 | 38 | | 60,000 | 67,500 | 72,000 | 77,000 |
| 65 | 39 | | 60,000 | 68,000 | 72,500 | 77,500 |
| 66 | 40 | | 60,000 | 68,500 | 73,000 | 78,000 |
| 67 | 41 | | 60,000 | 69,500 | 73,500 | 78,500 |
| 68 | 42 | | 60,000 | 70,000 | 74,000 | 79,000 |
| 69 | 43 | | 60,000 | 70,500 | 75,000 | 80,000 |
| 70 | 44 | | 60,000 | 71,500 | 75,500 | 80,000 |
| 71 | 45 | | 60,000 | 72,000 | 76,000 | 80,000 |
| 72 | 46 | | 60,000 | 72,500 | 76,500 | 80,000 |
| 73 | 47 | | 60,000 | 73,500 | 77,500 | 80,000 |
| 74 | 48 | | 60,000 | 74,000 | 78,000 | 80,000 |
| 75 | 49 | | 60,000 | 74,500 | 78,500 | 80,000 |
| 76 | 50 | | 60,000 | 75,500 | 79,000 | 80,000 |
| 77 | 51 | | 60,000 | 76,000 | 80,000 | 80,000 |
| 78 | 52 | | 60,000 | 76,500 | 80,000 | 80,000 |
| 79 | 53 | | 60,000 | 77,500 | 80,000 | 80,000 |
| 80 | 54 | | 60,000 | 78,000 | 80,000 | 80,000 |
| 81 | 55 | | 60,000 | 78,500 | 80,000 | 80,000 |
| 82 | 56 | | 60,000 | 79,500 | 80,000 | 80,000 |
| 83 | 57 | | 60,000 | 80,000 | 80,000 | 80,000 |

84 Notwithstanding the above table, two consecutive sets of tandem axles may carry
 85 a gross load of thirty-four thousand pounds each if the overall distance between
 86 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
 87 or more.

88 4. Whenever the state highways and transportation commission finds that
 89 any state highway bridge in the state is in such a condition that use of such
 90 bridge by vehicles of the weights specified in subsection 3 of this section will
 91 endanger the bridge, or the users of the bridge, the commission may establish

92 maximum weight limits and speed limits for vehicles using such bridge. The
93 governing body of any city or county may grant authority by act or ordinance to
94 the state highways and transportation commission to enact the limitations
95 established in this section on those roadways within the purview of such city or
96 county. Notice of the weight limits and speed limits established by the
97 commission shall be given by posting signs at a conspicuous place at each end of
98 any such bridge.

99 5. Nothing in this section shall be construed as permitting lawful axle
100 loads, tandem axle loads or gross loads in excess of those permitted under the
101 provisions of Section 127 of Title 23 of the United States Code.

102 6. Notwithstanding the weight limitations contained in this section, any
103 vehicle or combination of vehicles operating on highways other than the interstate
104 highway system may exceed single axle, tandem axle and gross weight limitations
105 in an amount not to exceed two thousand pounds. However, total gross weight
106 shall not exceed eighty thousand pounds.

107 7. Notwithstanding any provision of this section to the contrary, the
108 department of transportation shall issue a single-use special permit, or upon
109 request of the owner of the truck or equipment, shall issue an annual permit, for
110 the transporting of any concrete pump truck or well-drillers' equipment. The
111 department of transportation shall set fees for the issuance of permits pursuant
112 to this subsection. Notwithstanding the provisions of section 301.133, RSMo,
113 concrete pump trucks or well-drillers' equipment may be operated on
114 state-maintained roads and highways at any time on any day.

115 **8. Notwithstanding the provision of this section to the contrary,**
116 **the maximum gross vehicle limit and axle weight limit for any vehicle**
117 **or combination of vehicles equipped with an idle reduction technology**
118 **may be increased by a quantity necessary to compensate for the**
119 **additional weight of the idle reduction system as provided for in 23**
120 **U.S.C. Section 127, as amended. In no case shall the additional weight**
121 **increase allowed by this subsection be greater than four hundred**
122 **pounds. Upon request by an appropriate law enforcement officer, the**
123 **vehicle operator shall provide proof that the idle reduction technology**
124 **is fully functional at all times and that the gross weight increase is not**
125 **used for any purpose other than for the use of idle reduction**
126 **technology.**

304.281. 1. Whenever traffic is controlled by traffic control signals

2 exhibiting different colored lights, or colored lighted arrows, successively one at
3 a time or in combination, only the colors green, red and yellow shall be used,
4 except for special pedestrian signals carrying a word legend, and said lights shall
5 indicate and apply to drivers of vehicles and pedestrians as follows:

6 (1) Green indication

7 (a) Vehicular traffic facing a circular green signal may proceed straight
8 through or turn right or left unless a sign at such place prohibits either such
9 turn. But vehicular traffic, including vehicles turning right or left, shall yield the
10 right-of-way to other vehicles and to pedestrians lawfully within the intersection
11 or an adjacent crosswalk at the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in
13 combination with another indication, may cautiously enter the intersection only
14 to make the movement indicated by such arrow, or such other movement as is
15 permitted by other indications shown at the same time. Such vehicular traffic
16 shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
17 and to other traffic lawfully using the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided
19 in section 304.291, pedestrians facing any green signal, except when the sole
20 green signal is a turn arrow, may proceed across the roadway within any marked
21 or unmarked crosswalk.

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that
24 the related green movement is being terminated or that a red indication will be
25 exhibited immediately thereafter when vehicular traffic shall not enter the
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed
28 by a pedestrian control signal as provided in section 304.291, are thereby advised
29 that there is insufficient time to cross the roadway before a red indication is
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

32 (a) Vehicular traffic facing a steady red signal alone shall stop before
33 entering the crosswalk on the near side of the intersection at a clearly marked
34 stop line but, if none, then before entering the intersection and shall remain
35 standing until an indication to proceed is shown except as provided in paragraph
36 (b);

37 (b) The driver of a vehicle which is stopped as close as practicable at the

38 entrance to the crosswalk on the near side of the intersection or, if none, then at
39 the entrance to the intersection in obedience to a red signal, may cautiously enter
40 the intersection to make a right turn but shall yield the right-of-way to
41 pedestrians and other traffic proceeding as directed by the signal at the
42 intersection, except that the state highways and transportation commission with
43 reference to an intersection involving a state highway, and local authorities with
44 reference to an intersection involving other highways under their jurisdiction,
45 may prohibit any such right turn against a red signal at any intersection where
46 safety conditions so require, said prohibition shall be effective when a sign is
47 erected at such intersection giving notice thereof;

48 (c) Unless otherwise directed by a pedestrian control signal as provided
49 in section 304.291, pedestrians facing a steady red signal alone shall not enter
50 the roadway.

51 (4) In the event an official traffic control signal is erected and maintained
52 at a place other than an intersection, the provision of this section shall be
53 applicable except as to those provisions which by their nature can have no
54 application. Any stop required shall be made at a sign or marking on the
55 pavement indicating where the stop shall be made, but in the absence of any such
56 sign or marking the stop shall be made at the signal.

57 2. Notwithstanding the provisions of section 304.361, violation of this
58 section is a class C misdemeanor.

59 **3. A person operating a motorcycle who violates this section or**
60 **section 304.301 by entering or crossing an intersection controlled by a**
61 **traffic-control signal against a red light shall have an affirmative**
62 **defense to that charge if the person establishes all of the following**
63 **conditions:**

64 (1) **The motorcycle has been brought to a complete stop;**

65 (2) **The traffic-control signal continues to show a red light for an**
66 **unreasonable time;**

67 (3) **The traffic-control is apparently malfunctioning or, if**
68 **programmed or engineered to change to a green light only after**
69 **detecting the approach of a motor vehicle, the signal has apparently**
70 **failed to detect the arrival of the motorcycle; and**

71 (4) **No motor vehicle or person is approaching on the street or**
72 **highway to be crossed or entered or is so far away from the**
73 **intersection that it does not constitute an immediate hazard. The**

74 **affirmative defense in this subsection applies only to a violation for**
75 **entering or crossing an intersection controlled by a traffic-control**
76 **signal against a red light and does not provide a defense to any other**
77 **civil or criminal action.**

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has
3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall**
7 **be expunged if the person who has plead guilty to or has been found**
8 **guilty of violating section 311.325 is licensed as a commercial motor**
9 **vehicle driver or was operating a commercial motor vehicle as defined**
10 **in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied
16 prior to such arrest, plea or conviction, as if such event had never happened. No
17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one
22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.

430.082. 1. Every person expending labor, services, skill or material upon
2 any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined
3 in chapter 306, RSMo, outboard motor or aircraft at a written request of its
4 owner, authorized agent of the owner, or person in lawful possession thereof, or
5 who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the
6 written request of its owner, authorized agent of the owner, or person in lawful
7 possession thereof, or at the written request of a peace officer in lieu of the owner

8 or owner's agent, where such owner or agent is not available to request storage
9 thereof, shall, where the maximum amount to be charged for labor, services, skill
10 or material has been stated as part of the written request or the daily charge for
11 storage has been stated as part of the written request, have a lien upon the
12 chattel beginning upon the date of commencement of the expenditure of labor,
13 services, skill, materials or storage for the actual value of all the expenditure of
14 labor, services, skill, materials or storage until the possession of that chattel is
15 voluntarily relinquished to the owner, authorized agent, or one entitled to
16 possession thereof. The person furnishing labor, services, skill or material may
17 retain the lien after surrendering possession of the aircraft or part or equipment
18 thereof by filing a statement in the office of the county recorder of the county
19 where the owner of the aircraft or part or equipment thereof resides, if known to
20 the claimant, and in the office of the county recorder of the county where the
21 claimant performed the services. Such statement shall be filed within thirty days
22 after surrendering possession of the aircraft or part or equipment thereof and
23 shall state the claimant's name and address, the items on account, the name of
24 the owner and a description of the property, and shall not bind a bona fide
25 purchaser unless the lien has also been filed with the Federal Aviation
26 Administration Aircraft Registry.

27 2. If the chattel is not redeemed within three months of the completion
28 of the requested labor, services, skill or material, the lienholder may apply to the
29 director of revenue for a certificate of ownership or certificate of title.

30 3. If the charges are for storage or the service of towing the motor vehicle,
31 trailer, outboard motor or vessel, and the chattel has not been redeemed three
32 months after the charges for storage commenced, the lienholder shall notify by
33 certified mail, postage prepaid, the owner and any lienholders of record other
34 than the person making the notification, at the person's last known address that
35 application for a lien title will be made unless the owner or lienholder within
36 forty-five days makes satisfactory arrangements with the person holding the
37 chattel for payment of storage or service towing charges, if any, or makes
38 satisfactory arrangements with the lienholder for paying such charges or for
39 continued storage of the chattel if desired. Forty-five days after the notification
40 has been mailed and the chattel is unredeemed **or the notice has been**
41 **returned marked "not forwardable" or "addressee unknown"** and no
42 satisfactory arrangement has been made with the lienholder for payment or
43 continued storage, the lienholder may apply to the director of revenue for a

44 certificate of ownership or certificate of title as provided in this section.

45 4. The application shall be accompanied by:

46 (1) The original or a conformed or photostatic copy of the written request
47 of the owner or the owner's agent or of a peace officer with the maximum amount
48 to be charged stated therein;

49 (2) An affidavit [of the] **from the lienholder that written notice was**
50 **provided to all owners and lienholders of the applicants intent to apply**
51 **for a certificate of ownership and** that the owner has defaulted on payment
52 of labor, services, skill or material and that payment is three months past due,
53 or that owner has defaulted on payment or has failed to make satisfactory
54 arrangements for continued storage of the chattel for forty-five days since
55 notification of intent to make application for a certificate of ownership or
56 certificate of title. **The affidavit shall be accompanied by a copy of the**
57 **forty-five day notice given by certified mail to any owner and person**
58 **holding a valid security interest and a copy of the certified mail receipt**
59 **indicating that the owner and lienholder of record was sent a notice as**
60 **required in this section;**

61 (3) A statement of the actual value of the expenditure of labor, services,
62 skill or material, or the amount of storage due on the date of application for a
63 certificate of ownership or certificate of title, and the amount which is unpaid;
64 and

65 (4) A fee of ten dollars.

66 5. If the director is satisfied with the genuineness of the application and
67 supporting documents, [the director shall notify by certified mail, postage
68 prepaid, the owner and any lienholders of record, other than the applicant, at
69 their last known address that application has been made for a lien title on the
70 chattel.

71 6. Thirty days after notification of the owner and lienholders,] **and** if no
72 lienholder or the owner has redeemed the chattel or no satisfactory arrangement
73 has been made concerning payment or continuation of storage [and the
74 application has not been withdrawn], and if no owner or lienholder has informed
75 the director that the owner or lienholder demands a hearing [and enforcement of
76 the lien] as provided in **this** section [430.160], the director shall issue, in the
77 same manner as a repossessed title is issued, a certificate of ownership or
78 certificate of title to the applicant which shall clearly be captioned "Lien Title".

79 **6. The owner or lienholder of any motor vehicle or trailer, as**

80 defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo,
81 outboard motor, or aircraft may file a petition in the circuit court in
82 the county where the motor vehicle, trailer, vessel, outboard motor, or
83 aircraft is stored to determine if the motor vehicle, trailer, vessel,
84 outboard motor, or aircraft was wrongfully taken or withheld from the
85 owner. The petition shall name the person expending labor, services,
86 skill, or material among the defendants. The director of revenue shall
87 not be a party to such petition, but a copy of the petition shall be
88 served on the director of revenue, who shall not issue title to such
89 motor vehicle, trailer, vessel, outboard motor, or aircraft under this
90 section until the petition is finally decided.

91 7. Upon receipt of a lien title, the holder shall within ten days begin
92 proceedings to sell the chattel as prescribed in section 430.100.

93 8. The provisions of section 430.110 shall apply to the disposition of
94 proceeds, and the lienholder shall also be entitled to any actual and necessary
95 expenses incurred in obtaining the lien title, including, but not limited to, court
96 costs and reasonable attorney's fees.

Section B. The repeal and reenactment of sections 301.055, 301.057, and
2 301.058 shall become effective July 1, 2007.

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